

REMARKS

In this Response claims 1-4 and 9-40 are cancelled, without prejudice. Claims 5-8 are presented for examination.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 5-8 are rejected under 35 USC § 102(e) as being anticipated by Dubin et al. (US2003/0134047) (hereinafter "Dubin"). Applicants respectfully request reconsideration of this rejection for at least the following reasons.

As for independent claim 5, the subject matter of Dubin relied upon by the Examiner in order to reject claim 5 under section 102(e) is not available as prior art as it was not invented by "another" as evidenced by the attached affidavit submitted under 37 CFR § 1.132.

For at least this reason, claim 5 is patentable under 35 USC § 102(e). Claims 6-8 depend from claim 5, incorporating its recitations. Thus, for at least the reasons that claim 5 is patentable, claims 6-8 are likewise patentable.

Rejections Under 35 U.S.C. § 103

In the Office Action claims 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Segawa et al. (US 6,638,564) (hereinafter "Segawa") in view of Yokoyama et al. (US2004/0045502) (hereinafter "Yokoyama").

Applicants respectfully request reconsideration of this rejection for at least the following reasons:

In the Office Action, Segawa was cited for the proposition that it teaches a chamber, a plurality of tanks, and a piping system, while Yokoyama was cited for the proposition that it teaches using in-line heaters, which was deficient from Segawa. However, Yokoyama has an earliest effective date as prior art under 35 U.S.C. § 102(e), of August 26, 2003, while the invention date of the subject matter of claims 5-8

precedes that date as evidenced by the attached declaration under 37 C.F.R. § 1.131, along with photocopies of the supporting documents that are provided herewith. In particular, the declaration along with the photocopies of the supporting documents shows that the subject matter of 5-8 has a conception date at least as early as July 8, 2003, and subsequent diligence beginning at least prior to the earliest effective date of Yokoyama (August 26, 2003) until filing of the subject patent application on January 22, 2004. Therefore, the invention date of the subject matter of claims 5-8 predates the effective date of Yokoyama, disqualifying Yokoyama as prior art under 103(a)/102(e).

Because Yokohama is shown to be an ineligible reference, Segawa by itself does not render claims 5-8 as obvious under 35 U.S.C. § 103(a). Applicants, therefore, respectfully request that the Examiner reconsider this rejection under section 103(a) and allow claims 5-8.

Declarations under 37 CFR § 1.131 and § 1.132

As indicated above, attached this response are the declarations under 37 CFR § 1.131 and § 1.132. These declarations have been signed by only one of the joint inventors, Valery M. Dubin, and not signed by the other joint inventor, Chin-Chang Cheng. After a bona fide attempt to reach Mr. Cheng by Applicants' representatives, it was determined that Mr. Cheng has relocated to Taiwan. Currently Mr. Cheng is unavailable to sign the declarations. However, as soon as Mr. Cheng becomes available and signs the declarations under 37 CFR § 1.131 and § 1.132, the signed declarations will be submitted.

Conclusion

In view of the foregoing, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (503) 796-2084. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,
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